

Application No.: 10/798649

Case No.: 59605US002

### REMARKS

In the Office Action, the Examiner objected to certain informalities in the Abstract and claims 1, 30, and 36, rejected certain claims under 35 U.S.C. 102(e), and indicated that certain other claims were in condition for allowance. Those matters will be addressed in the order presented in the Office Action.

#### I. Abstract

The Examiner objected to the Abstract, which has been amended in the manner shown above. Reconsideration of the objection is respectfully requested.

#### II. Claim Objections

The Examiner objected to claims 1, 30, and 36, noting that the term "and a side wall" should be deleted. Claim 1 has been amended as shown above to clarify, at the point where the "second chamber" is first mentioned, that that chamber includes a bottom wall and a side wall. This is similar to the language used in claims 30 and 36, and does not narrow the scope of the claims. Certain additional amendments have been made to the claims as shown above to remove references to certain preferred characteristics of the first and second masses. As amended, claims 1, 30, and 36 are believe to overcome the objections noted in the Office Action, and withdrawal of the objections is respectfully requested.

#### III. Rejection of Claims Under 35 U.S.C. 102

The Examiner rejected claims 1 through 5, 11 through 24, 28 through 31, 36, 37, and 40 through 42 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,543,612 (Lee et al.). The Examiner noted, in regard to claim 1, that "Lee discloses a system comprised of a container having an outer housing 12, a first liquid 26 therein, an inner housing 16 having an aperture in 'side wall' 20 (after the wall is pierced by element 30) and a 'bottom wall' 18, a second mass 28 and a foil seal 22 bonded to upper surfaces of both housings." In other words, if the assembly of Figure 1 of Lee et al. were turned on its side, the Examiner proposes, then what appears in Figure 1 to be a "bottom wall" to most observers could be considered to be a "side wall", and what appears in Figure 1 to be a "side wall" could be considered to be a "bottom wall".

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Applicants respectfully disagree. The Examiner states that a foil seal 22 is bonded to the "upper surface" of both the inner and outer housings, as shown in Figure 1. But if the "upper surface" is the one to which the seal is bonded, then logically the opposite surface is the lower or bottom surface (wall portion 20 in Figure 1). And logically the surface (or surfaces) that adjoins (or adjoin) the upper surface and the bottom surface is a side wall portion, which plainly has no aperture as required in claim 1. Furthermore, there is no suggestion for moving the punched hole of the bottom surface 20 of Lee et al. to the side surface, as required by claim 1, and in fact the device of Lee et al. would appear not to be functional if an aperture had somehow to be punched in what is actually the side wall shown in Figure 1. Thus claim 1 is both novel and non-obvious in view of Lee et al. Reconsideration of the rejection of claims 1, 30, and 36 under 35 U.S.C. 102(e) over Lee et al. is requested, and because claims 2 through 29, 31 through 35, and 37 through 42 all depend from allowable base claims, those claims too are in condition for allowance.

The Examiner also rejected claims 43 through 45 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,419,414 (Broyles et al.). Claims 43 through 45 have been canceled, without prejudice to the Applicants' right to introduce those claims in a future U.S. patent application.

#### IV. Allowable Claims

Claims 6 through 10, 25, 27, 32-34, 38, and 39 were objected to as being dependent on a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants appreciate the acknowledgement of patentable subject matter in the application, but prefer to await confirmation of the allowability of the remaining claims in the application before considering any amendment of the type proposed.

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V. Conclusion

For the reasons noted above, claims 1 through 42 are believed to be in condition for allowance, and a notice of allowance is solicited. If a telephonic interview with the Applicants' undersigned representative, the Examiner is invited to contact the undersigned in Brussels, Belgium, at 011-322-722-4541.

Respectfully submitted,



May 18, 2006.

Date

By:

Peter L. Olson, Reg. No.: 35,308

Telephone No.: 322-722-4541

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833